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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Paper No. 22

Application Number: 09/628,396  
Filing Date: August 01, 2000  
Appellant(s): KYRTSOS, CHRISTOS

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Mr. David Wisz  
For Appellant

**SUPPLEMENTAL EXAMINER'S ANSWER**

This is in response to "REMAND TO THE EXAMINER" dated 3/30/2004.

### **REAL PARTY IN INTEREST**

A statement identifying the real party in interest is correct.

### **RELATED APPEALS AND INTERFERENCES**

The brief stating that there are no related appeals and/or interferences in connection with application Serial No. 09/628,396 is correct.

### **STATUS OF THE SPECIFICATION**

The original specification is the only working specification.

### **STATUS OF THE CLAIMS**

The statement of the status of the claims contained in the brief is incorrect. As stated below, the 35 U.S.C. 112 2<sup>nd</sup> paragraph rejection has been dropped.

### **STATUS OF AMENDMENTS**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

### **SUMMARY OF THE INVENTION**

The summary of the invention contained in the brief is correct.

### **ISSUES**

The appellant's statement of the issues in the brief is incorrect. As stated below, the 35 U.S.C. 112 2<sup>nd</sup> paragraph rejection has been dropped.

### **GROUPING OF CLAIMS**

The grouping of the claims is incorrect. In part "C", the appellant fails to separately argue the rejection of claims 18-20.

### **CLAIMS APPEALED**

The copy of the appealed claims contained in the Appendix of the brief is correct.

### **PRIOR ART OF RECORD**

Number	Name	Date
5,955,854	U.S. patent to Zhang et al.	September 21, 1999
4,894,952	U.S. patent to Trett et al.	January 23, 1990

### **NEW PRIOR ART**

No new prior art has been applied in this Examiner's Answer.

### **GROUND OF REJECTION**

Claims 1, 2, and 4-20 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Zhang et al. Zhang et al disclose an object detection system (see Figures 4, 5, 9a-9c, 10, 33, 34, 39, 44-46 and 48) and the method for detection for a vehicle comprising an emitter having a pulse/ultrasonic signal mounted to a vehicle window frame, a receiver mounted to a vehicle window frame, and a controller for mapping a first "known" detection area and comparing the known detection area to a

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second area in response to an "unknown object" (more specifically, column 13, lines 10-38).

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang et al in view of Trett et al. All of the elements are discussed above except providing the emitter of Zhang et al to be an electromagnetic signal. Trett et al discloses a detection system comprising emitters having an electromagnetic signal. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the emitter of Zhang et al to send an electromagnetic signal as taught by Trett et al since an electromagnetic signal is a faster and more sensitive signal.

#### **NEW GROUND OF REJECTION**

There are no new grounds of rejection.

#### **RESPONSE TO APPELLANT'S ARGUMENTS**

In response to the appellant's arguments with respect to the 35 U.S.C. 112 2<sup>nd</sup> paragraph, the rejection has been dropped. The claim language and limitations in claims 1, 10, and 14 appears awkward when standing along. But when read in light of the specification, the language is acceptable.

With respect to the appellant's arguments under 35 U.S.C. 102(e), the appellant argues that Zhang only detects an increase in a reflected signal and this is not considered "mapping". The Examiner disagrees since a reflected signal has a limited defined field and has a graphical shape (the field which defines the signal). Furthermore, the applicant states that Zhang et al. only looks for an obstruction. This is true BUT by looking for an obstruction a second graphical shape is now defined because of the obstruction or "unknown" object and a variation is then detected by

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comparing the second graphical shape to that of the first graphical shape, thus providing a variation between the two graphical shapes. More specifically, Figures 4, 5, 9a-9c, 10, 33, 34, 39, 44-46, and 48 shows and discloses control device having varies forms of "signal mapping", the area in which is mapped, and how the window operates according to the control device as claimed by the applicant's invention. Furthermore, Figure 10 of Zhang discloses a first signal, a second signal at time "t", and comparing the two signal values related to the length and detection pulse produced by the signals.


The appellants arguments with respect to Zhang et al. "overriding concern for reflection from clouds, the sun and other sources which would provide a false increase in the reflected signal" is not readily understood by the Examiner and appears more limiting than that of the claims since the applicant is only claiming the comparison of "two geographical shapes" and Zhang et al. disclose these limitations.

## CONCLUSION

For the above reasons, it is believed that the rejections should be sustained. An appeals conference was performed on this application.

Respectfully submitted,

Jerry Redman



**Jerry Redman**  
**Primary Examiner**

Conferees:

Mr. Dan Stodola *DPS*

Mr. Curtis Cohen *DPS for CC*